

Dear House Judiciary Committee Members,

Honorable Members of the Judiciary Committee,

I am writing to you to OPPOSE Bill 6355 An Act Concerning Risk Protection Orders Or Warrants. This updated version of the "Risk Protection Orders" removes a most important protection of due process and equal protection under the law, that of ensuring that any allegation is based in fact upon police investigation and review by the court. With the nationwide increase in false allegations through social media and "fake" news as opined by both sides of the political aisle this revision opens the flood gates to false and slanderous allegations without verification and imposes an undue burden on the District Attorneys office and any alleged defendant. It also exposes District Attorneys to potential litigation for slander, defamation, wrongful prosecution and ethical violations based upon unverified testimony of the complainant.

Before the awesome power of the state is invoked there must be due process to ensure that it is properly and judicially invoked only in serious matters where warranted by an objective trier of fact after an evidentiary hearing.

In *Mullane v. Central Hanover Bank*, the 14th Amendment was used to ensure that Due Process requires at a minimum (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal before property is taken.

If the risk to the claimant is sufficient to warrant involvement of the judiciary it is sufficient to warrant involvement of the police who are specifically trained to protect the citizenry. Please note that police officers always have an option of placing an individual in protective custody if they believe that individual is not of sound mind or at risk of harm to themselves or others. This may not happen under HB 6355 which is a bad bill and weakens current law. Taking away the police involvement at the time of the complaint is deleterious to the defense of all involved. In addition to protecting a claimant at risk, the State has an equal obligation to determine if a 48 hour psychological evaluation should be ordered for the immediacy of mental health which can only be done by a doctor in a hospital if the police determine it is necessary to bring that person in for evaluation.

I further strongly oppose the requirement that the defendant, once acquitted or determined to not be a danger must petition the court to get his/her firearms back. If the State has erred in removing the firearms the State must immediately redress the wrong by returning the personal property to its owner in its original condition. In addition, an undue financial burden is being imposed on an innocent defendant by seizing firearms. The proposed law does not have any mechanism to return the firearms if a false allegation was made to remove the firearms. There is no allowance for those firearms which were grandfathered under previous law to be returned to the original owner, thus illegally depriving the owner of his property without due process of law, this is called an unlawful taking and in the case of antique firearms could be extremely expensive for the state in litigation and recovery costs.

Please reject these revisions as currently written.

Very truly yours,

Jonathan S. Koehm,
Trumbull